

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

DEC 06 2006

JOHN F. CORCORAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

ANGELA F. BAKER,

*Plaintiff,*

v.

MARION OLIVER AND  
OLIVER'S TRANSPORTATION, LLC,

*Defendants*

CIVIL No. 3:06cv00015

ORDER and OPINION

JUDGE NORMAN K. MOON

This matter is before the Court on Defendants' Motion in Limine to Exclude Plaintiff's Expert, David S. Witmer, M.D., filed on November 30, 2006 (docket entry no. 45). For the reasons stated on the record during the hearing on December 5, 2006, and for the following reasons, this motion is hereby GRANTED in part and DENIED in part.

Although Dr. Witmer's testimony will be allowed, he may not testify as to any possible need for Plaintiff to undergo hip or knee replacement surgery.

Additionally, Defendant will be allowed to designate an expert to examine Plaintiff and must file the expert's report within 30 days, preferably before December 27, 2006.

Based on the circumstances as set forth to the Court at the hearing, the costs incurred by Defendants in enforcing this order shall be charged to Plaintiff.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

ENTERED:

Thomas E. Moran

United States District Judge

December 6, 2006

Date